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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,708	02/05/2002	Luke David Jagger	NETAP021	1914
28875	7590	07/25/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 07/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/072,708

Applicant(s)

JAGGER ET AL.

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. Claims 22-26 are rejected under 35 U.S.C. 101 for being non statutory.

The language of the claims raises the question as to whether the claim is directed merely to an abstract that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible results to form the basis of statutory subject matter under 35 U.S.C. 101.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothwell et al (U.S. Pub No. 2003/0088627) and Hart (U.S. Pub No. 202/0116463A1).

4. As per claims 1, 13 & 22 Rothwell disclosed a system for generating a report on an unsolicited electronic message, the system comprising: a detector operable to detect a network address within an electronic message identified as an unsolicited message (paragraphs. 11 & 25). However Rothwell did not explicitly disclose a host identifier operable to identify an authority hosting the network address; a report generator operable to generate a report containing the

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identified network address and hosting authority; and a storage medium configured to at least temporarily store the identified network address and hosting authority.

In the same field of endeavor Hart disclosed a host identifier operable to identify an authority hosting the network address; a report generator operable to generate a report containing the identified network address and hosting authority (Hart, paragraphs. 37-39); and a storage medium configured to at least temporarily store the identified network address and hosting authority (Paragraphs.46-48).

At the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate the capability of generating a report of containing the address sending unsolicited message and sending that report to the hosting authority as taught by Hart in a system of detecting unsolicited messages as taught by Rothwell in order to make the unsolicited electronic mail system more versatile and robust and result in an effective way to combat unsolicited messages to a user.

5. As per claims 2, 11, 17-19 & 24 Rothwell- Hart disclosed the method of claim 1 further comprising transmitting the report to a central managed service provider configured to forward, the report to the identified hosting authority (Hart, paragraphs. 37-39).

6. As per claims 3, 14 & 15 Rothwell- Hart disclosed the method of claim 1 wherein examining the message to identify a network address comprises identifying a URL (Rothwell, paragraph 25).

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7. As per claims 4, 20 & 25 Rothwell- Hart disclosed the method of claim 3 wherein identifying a URL comprises comparing text within the electronic message to a database of words to identify the URL (Rothwell, paragraphs 25 & 34).

8. As per claims 5, 21 & 26 Rothwell- Hart disclosed the method of claim 3 further comprising comparing the identified URL to a database of legitimate URLs (Rothwell, paragraphs 25 & 34).

9. As per claim 6 Rothwell- Hart disclosed the method of claim 5 further comprising updating the database based on electronic messages received (Rothwell, paragraphs 42 & 46).

10. As per claim 7 Rothwell- Hart disclosed the method of claim 3 wherein identifying the hosting authority comprises utilizing an Internet tool to locate a web server hosting the URL (Hart, paragraphs. 37-39).

11. As per claim 8 Rothwell- Hart disclosed the method of claim 7 wherein utilizing an Internet tool comprises utilizing WHOIS Rothwell, paragraphs 25 & 34).

12. As per claim 9 Rothwell- Hart disclosed the method of claim 1 wherein identifying the hosting authority comprises identifying an owner of a network domain (Hart, paragraphs. 37-39).

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13. As per claims 10 & 16 Rothwell- Hart disclosed the method of claim 1 wherein identifying the hosting authority comprises identifying an Internet service provider (Hart, paragraphs. 37-39).

14. As per claim 12 Rothwell- Hart disclosed the method of claim 1 further comprising at least temporarily saving the report and transmitting the report to the identified hosting authority at the end of a specified period (Hart, paragraphs. 37-39 & 46-48).

15. As per claim 23 Rothwell- Hart disclosed the computer product of claim 22 wherein the computer readable medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash memory, system memory, hard drive, and a data signal embodied in a carrier wave ((Hart, paragraphs 46-48).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

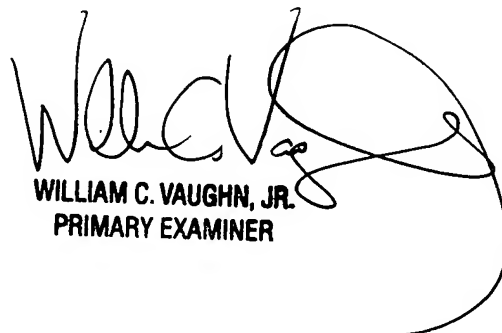
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB

Asghar Bilgrami  
Examiner  
Art Unit 2143



WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER